

April 25, 1975

PRESIDENT: Further discussion on the amendment? The question is the adoption of the amendment discussed by Senator Carsten to LB 455. Record your . . . oh, Senator Stull did you want to discuss the matter?

SENATOR STULL: Well, I have . . . Mr. President, members of the Legislature, I have a question about this. I think originally when this statute was passed and it was set up so that when they grant this homestead exemption where the counties could come in for their part of the money from the state that replaces the local money lost by the . . . granting the homestead exemption. Now I wonder if this amendment will cause any problems. I don't think we want to get to . . . the state and the county in a bind where one of them might lose money. They would grant the exemption and still it would be . . . the county might lose the part that was to replace it. You see that. If you'd have too many of them it would cause some problem at the local level.

SENATOR CARSTEN: Mr. President, I would yield to Senator Anderson who had presented the amendment. He probably could give a more clear answer than I.

SENATOR ANDERSON: As I understand the question you're talking about the possibility of losing the taxation because of inability to verify. That . . . the taxation would not be lost. There still is a provision in the original language of the homestead exemption law which allows the county to go back and assess the difference. I can't conceive of any circumstance where this would effect the amount of taxes that the county does have an opportunity to get at. I think the verification procedure does give the county an opportunity to identify early some places where a tax exemption should not have been granted. I see any place where the tax would be lost.

PRESIDENT: The question is the adoption of the amendment to 455. Record your vote. Record Mr. Clerk.

CLERK: 25 ayes, 0 nays.

PRESIDENT: The amendment is adopted. Senator Anderson.

SENATOR ANDERSON: LB 455 has to do with the homestead exemption. Basically the problem that has developed in this area is that the original language, the original statute, for the homestead exemption provided that those persons holding the exemptions would have to reapply annually to get their exemptions. This was presenting a problem, especially for older people where it was difficult for them to get up to the court houses and sometimes to know when they were supposed to take care of this, this sort of thing. The Legislature I think last year or the year before amended this language to eliminate the provision for annual reapplication, which means once the exemption is granted it is granted, period. Now, there is a provision in the law that allows the county assessor to go back and collect the difference in tax if at some subsequent point in time the eligibility for that exemption is lost. The eligibility could be lost